

MINUTES

AGRICULTURAL ADVISORY BOARD

**Rachel Carson State Office Building
Room 105, 1st Floor Conference Room
Harrisburg, PA**

April 17, 2002

Chairperson Larry Breech, PA Farmers Union, called the meeting to order at 10:01 a.m.

Attendance:

Members

Chairperson Larry Breech, PA Farmers Union
Tom Williams, Dairy Producer
Tom Andrews, House, Agricultural and Rural Affairs Committee (Rep. Daly)
David Irvin, Fruit Producer
Roxanne Levan, USDA, Farm Service Agency
Michael Brendle, Poultry Producer
Jay Howes, House, Agricultural and Rural Affairs Committee (Rep. Bunt)
Bill Adams, PA Farm Bureau
Brenda Shambaugh, PA State Grange
Carl Shaffer, Vegetable Producer
Susan Fox, PA Association of Conservation Districts
Gerald Seyler, Grain Producer
Lyle Forer, PA Department of Agriculture
Dr. Herb Cole, Penn State University
Mike Firestine, Agri-business Representative
Mike Brownback, Sustainable Agriculture Representative
Robin Heard, USDA, Natural Resources Conservation Service
Bruce Holbrook, PA Department of Environmental Protection

Agencies, Advisors, and Guests

Dan Snowden, DEP, Citizens Advisory Council
Doug Brennan, DEP, Environmental Futures Program Coordinator
Patricia Grim, DEP, Policy Office
Doug Goodlander, State Conservation Commission
Kelly O'Neill, Chesapeake Bay Foundation
Michele Corbin, PA Landscape and Nursery Association
Patti Olenick, DEP, Bureau of Land Recycling and Waste Management

Bill Achor, Wenger's Feed Mill, Inc.
Walt Peechatka, PennAg Industries Association
Cedric Karper, DEP, Bureau of Watershed Management
Stuart Gansell, DEP, Bureau of Watershed Management
Dean Auchenbach, DEP, Bureau of Watershed Management

Public Comment Period

There were no public comments made.

Action on the December 19, 2001 Meeting Minutes

The minutes were approved as mailed.

Update on the Water Resources Legislation

Stuart Gansell, DEP, Bureau of Watershed Management, noted the House Environmental Resources & Energy Committee held a hearing on House Bill 2230 on February 20th and the Senate Environmental Resources and Energy Committee, held a hearing on Senate Bill 1230 on March 13th. DEP Secretary David Hess provided testimony at both hearings as well as some members of the Agricultural Advisory Board. Based on the concerns expressed at the hearings, the Department has looked at revising the bills to address the concerns. Among the changes are cleaning up the definition section to be consistent with those of the river basin commission; inserting language that clearly prohibits charging fees for water; adding recharge credit language; ensure we are not duplicating the regulations regarding monitoring wells; and consider the use of Regional Water Resource Boards. Gansell noted that a marked up version of the bills is available electronically on the Department's web site.

Gansell noted that it is difficult to predict the timeline for these bills but the drought conditions have brought this issue to the attention of the Legislature. Jay Howes noted that conventional wisdom states that the time to address water resources would be when water is plentiful not when it is scarce. He noted it might be difficult to reach consensus since everybody has solidified his or her position due to the drought. Howes stated he does not envision the bills moving before the Legislature's summer recess. The Bills may see some action by November 30, 2002, which is the end of the Legislative session. Mike Brendle stressed the need for the Department to educate municipal officials once the Bills are passed. He and several other Board members reiterated the need for the Bills to supersede local municipal ordinances. Gansell noted the current bills do not take away or give any more power to municipalities than they currently have.

Brenda Shambaugh noted she has received many concerns from Western Pennsylvania regarding House Bill 1591, Water Well Legislation. There has been a lot of misinformation

regarding enforcement officers, meters on individual wells, DEP billing for water and the granting of additional authorities to regulate water wells. It was noted by Board members that the concern was sparked by incorrect facts in a newspaper article in Western Pennsylvania.

Chairperson Larry Breech thanked Stuart Gansell for the update report on water resources legislation. Chairperson Breech stated that he would like to maintain the Board's Water Resources Legislation Committee to continue to look at this issue.

Review and Comment on House Bill 2302, A Bill Amending the Agricultural Advisory Board Act

Board members were all mailed a copy of House Bill 2302 to review prior to the meeting. Jay Howes outlined the Bill for the Board members, which updates and amends Senate Bill 298, the Agricultural Advisory Board Act (Act 11 of 1993.) The Bill updates agency names which have changed since the 1993. The Bill adds Penn Ag Industries Association as a member to the Board, and also revises the current chairperson rotation to have the Board annually elect a Chair among the PA Farm Bureau, PA State Grange, PA Farmers Union and Penn Ag Industries Association. Another requirement of the House Bill is that the representatives for the Department of Agriculture and Environmental Protection be a Deputy Secretary. If the Deputy Secretary is unable to serve, the Secretary of that Department must replace them by another Deputy Secretary or by the Secretary of the Department. Another change is that the four members of the House and Senate Agricultural and Rural Affairs Committee would be made voting members of the Board.

After some discussion, Mike Brendle made a motion recommending the Bill be amended to allow any voting member of the Agricultural Advisory Board to be eligible to serve as Chairperson. The motion was seconded by Mike Brownback and passed unanimously by the Board.

Report on the Status and Progress of the Organic Recycling Task Force

Patti Olenick, DEP, Bureau of Land Recycling and Waste Management, provided the Board with information and program requirements of the Department's "draft" Food Waste Separation Permit, which will soon be published in the PA Bulletin for a 60-day public comment period. Under the permit, you are restricted to three acres or less, you cannot exceed 500 tons of food waste in one year and you cannot exceed 3,000 total tons of total waste per year. Farmers are being encouraged to work with local schools and grocery stores to take food waste materials. Olenick also noted that a waste characterization study would soon be completed for a food waste study.

Bill Achor, Wenger's Feed Mill, Inc., updated the Board on the work and progress of the Organic Recycling Task Force. The Task Force is an effort to bring all stakeholders together to get a handle on organic recycling and to explore its benefits and constraints.

The Task Force is focusing on four areas: (1) coordination and strategy, (2) economics, (3) education and training and (4) legislative issues and regulations. Achor noted the goal is to provide a "white paper" to DEP Secretary Hess with the recommendations of the Task Force. Achor invited Board members who are interested to attend the next Organic Recycling Task Force meeting which will be held April 24 at the DEP South Central Regional Office. He also noted an Organics Recycling Conference will be held May 23-24 at the Penn Stater Hotel in State College. A contact list of the Compost Task Force members was distributed to all Board members.

Proposed Revisions to the Nutrient Management Regulations

Doug Goodlander, State Conservation Commission, noted that four months ago the State Conservation Commission began to reevaluate the Nutrient Management Regulations which took effect in October 1997. The Commission is looking to see what changes are needed and necessary to ensure continued effective and practical regulations in Pennsylvania. An interagency workgroup consisting of representatives from the PA Department of Agriculture, PA Department of Environmental Protection, Natural Resources Conservation Service, Penn State University and the Commission was formed to review the regulations and make recommendations for revisions. The Nutrient Management Advisory Board received a list of 20 issues of concern from the interagency workgroup at its February and April meetings. It was noted agriculture needs to be responsive and receptive to the concerns of society while addressing agriculture sustainability and the economics of farm operations. Many fear that revised regulations will harm agricultural operations, but Goodlander noted the Commission would consider that concern and ensure that any revisions to the regulations will allow for agricultural sustainability. Goodlander noted the process is just starting and there will be plenty of opportunity for public comments. It is anticipated formal proposals for regulation revisions will be available in early 2003.

Among the major issues in the Nutrient Management Regulations being reevaluated are exported manure; manure hauler/broker certification; phosphorus management; the CAO calculation; conservation planning; the application of manure on bare frozen ground outside the growing season; manure storage and application setbacks from wetlands and animal concentration areas.

Update on the Farm Bill

Robin Heard, USDA, Natural Resources Conservation Service, updated Board members on the status of the Farm Bill in Congress. Heard noted that there are significant increases for funding of conservation provisions proposed in the current version of the Farm Bill. Significant increases are also proposed for farmland protection programs, and the Environmental Quality Incentive Program (EQIP) funding will not be less than 6.75 billion

dollars. Heard noted that Pennsylvania has enough EQIP application backlogs to handle any additional funding allocations. It is also anticipated there will be minimal rulemaking under the EQIP Program. Heard also noted that Conservation Security Payments, a payment for the benefit of conservation practices on the land, was proposed as a pilot program but will be offered nationwide.

Facilitated Discussion on Topics for Future Board Meetings and how to make the Board Meetings More Productive

Dean Auchenbach, DEP, Bureau of Watershed Management, facilitated a discussion among Board members to get their thoughts on the following two questions:

1. What topics/discussions would you like to see as agenda items at future Board meetings?
2. How can we make Board meetings more productive to all in attendance?

The following responses were generated for Question # 1:

- The Board would like more and early involvement in legislative issues and proposed bills, and to know what DEP's plans are regarding proposed legislation.
- To know DEP's position on environmental legislation and bills.
- To have a regular Legislative update briefing at each Board meeting.
- Non-biased information on what other states and countries are doing to address similar problems.
- Information on federal mandates that are coming to the state that will impact agriculture.
- Changes in DEP policies and policy decisions.
- More coordination with EPA, and better information from EPA.
- More consistency across DEP Regions and in how DEP policies are implemented.
- Groundwater recharge issues.
- Allocation of water resources.
- Update report on the CREP Program and an economic analysis of the program.
- Thoughtful input from the state agricultural leadership on creative solutions to problems.

In response to Question # 2, the Board offered the following responses:

- The Department needs to provide feedback to the Board on its comments on issues.
- Provide a summary handout of the meeting presentations in which the main parts are contained within bullets. This summary handout should be distributed to the Board at the time of the presentation or prior to the meeting.
- Add the speaker's title to the agenda, and provide background information on speakers.
- The Board needs to remain focused on the agenda subject and discussion.
- Cancel meetings with limited agenda items.

- Board Chairperson should take action to encourage motions or positive action on agenda items.
- There was a question whether Board meetings should follow a more formal or a more relaxed format.

Dean Auchenbach thanked the Board members for their responses and stated that the suggestions offered at the meeting will be reviewed and changes made as possible to provide more productive meetings.

Comments/Issues/Concerns of the Board

Dean Auchenbach noted he has contacted Sam Elkin, Livestock Producer, who has indicated he will be submitting a letter of resignation as a member to the Board.

It was suggested that Dr. Herb Cole look into arranging for a speaker from Penn State University to address the issue of groundwater recharge at the June Board meeting.

Adjournment

There being no further business, the meeting was adjourned at 1:40 p.m.

Respectfully submitted,

Dean M. Auchenbach
DEP Liaison to the Board